

8935

I N A S S E M B L Y

March 3, 2014

Introduced by M. of A. THIELE -- read once and referred to the Committee
on Local Governments

AN ACT to amend the village law, in relation to the authority of the
state fire administrator to grant a waiver for the election of non-re-
sident members in the fire company

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 7 of section 10-1006 of the village law, as
2 amended by chapter 185 of the laws of 1984, is amended to read as
3 follows:
4 7. (A) The membership of any volunteer fireman shall not be continued
5 pursuant to subdivision five, and persons shall not be elected to
6 membership pursuant to subdivision six, if, by so doing, the percentage
7 of such non-resident members in the fire company would exceed forty-five
8 per centum of the actual membership of the fire company.
9 (B) UPON APPLICATION BY A FIRE DISTRICT OR FIRE COMPANY TO THE STATE
10 FIRE ADMINISTRATOR, THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVI-
11 SION SHALL BE WAIVED, PROVIDED THAT NO ADJACENT FIRE DISTRICT OBJECTS
12 WITHIN SIXTY DAYS OF NOTICE, PUBLISHED IN THE STATE REGISTER. ANY SUCH
13 OBJECTION SHALL BE MADE IN WRITING TO THE STATE FIRE ADMINISTRATOR
14 SETTING FORTH THE REASONS SUCH WAIVER SHOULD NOT BE GRANTED. IN CASES
15 WHERE AN OBJECTION IS PROPERLY FILED, THE STATE FIRE ADMINISTRATOR SHALL
16 HAVE THE AUTHORITY TO GRANT A WAIVER UPON CONSIDERATION OF (1) THE
17 DIFFICULTY OF THE FIRE COMPANY OR DISTRICT IN RETAINING AND RECRUITING
18 ADEQUATE PERSONNEL; (2) ANY ALTERNATIVE MEANS AVAILABLE TO THE FIRE
19 COMPANY OR DISTRICT TO ADDRESS SUCH DIFFICULTIES; AND (3) THE IMPACT OF
20 SUCH WAIVER ON ADJACENT FIRE DISTRICTS.
21 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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